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as between conductor and passenger, the ticket is conclusive. However, this was not a controlling element in the case, as the court distinctly disapproves an instruction of the lower court embodying the rule of the conclusiveness of the evidence afforded by the ticket, and cites with approval *Winter v. Railway* (supra) and other cases which modify or deny the rule.

By taking this stand the court places itself in accord with the view which, it is believed, is supported by the decided weight of modern authority. 5th Am. & Eng. Encyc. of Law, 603; *Penna. Co. v. Bray*, 125 Ind. 229; *Murdock v. Railway*, 137 Mass. 293; *Sloane v. So. Cal. Railway*, 111 Cal. 668; *Muckle v. Rochester R. R.* 79 Hun 33, (limiting *Townsend v. Railway*, supra.)

CONFLICT OF LAWS—BONA VACANTIA—RIGHT OF SUCCESSION—"MOBILIA SEQUUNTUR PERSONAM."—An Austrian who was entitled to a fund in court in England, died in Vienna, a bastard, intestate and without heirs. By Austrian law the succession of an Austrian citizen in such a case is confiscated as heirless property by the *fiscus*. The Austrian government having claimed the fund: *Held*, that as the right claimed was not in the nature of a succession, the maxim "*Mobilia sequuntur personam*," did not apply, and that the crown by the law of England, was entitled to the fund as *bona vacantia*. *In re Barnett's trusts*, [1902] 1 Ch. 847.

The property here appertained to the crown, as *jure regalia*. The fact that the Austrian died heirless made his domicile immaterial. *Dyke v. Walford*, 5 Moo. P. C. 434; WESTLAKE'S PRIV. INTER. LAW, 3d ed. p. 168. sec. 62. This decision is in direct conflict with the theory which now undoubtedly prevails in Germany, that if there is no one nearer in blood to be called to the succession, a man's fellow-citizen is regarded as his heir. BAR'S PRIV. INTER. LAW, 2d ed. p. 843, Sec. 387. The American courts have not as yet decided upon this particular question; however, they seem to favor the English rule. *Mayo v. Equitable, etc., Society*, 71 Miss. 590; *Ross v. Ross*, 129 Mass. 343.

CONFLICT OF LAWS—ITALIAN MARRIAGE—DECEASED HUSBAND'S BROTHER.—A naturalized Italian woman, domiciled in Italy, married her deceased husband's brother, an Italian, domiciled in Italy. The marriage, which was solemnized in Italy, after the necessary dispensations had been obtained, was undoubtedly valid in Italy. In an action in England involving the validity of the marriage, *Held*, that, notwithstanding Lord Lyndhurst's act, the marriage was valid in England. *In re Bozzelli's Settlement, Husey-Hunt v. Bozzelli*, [1902] 1 Ch. 751.

The law of the common domicile is sufficient to determine marriage capacity, except in case of marriage stamped as incestuous by the general consent of Christendom. *Brook v. Brook*, 9 H. L. C. 193; *Sottomayor v. De Barros*, [1887], 3 P. D. 1. Such American decisions as there are, seem to be in conflict with this holding: *Medway v. Needham*, 16 Mass. 157; *Sutton v. Warren*, 10 Met. 451.

CONSTITUTIONAL LAW—EQUAL PROTECTION—REFUSING BARBER'S LICENSE TO AN ALIEN.—A statute of Michigan (Acts of 1899, No. 212) provided for the examination and licensing of barbers. The statute also provided that no person examined should receive a certificate who at the time of such examination was an alien. Relator, who was a resident of the state but not a citizen (though he had declared his intention to become one) applied for examination, but his application was rejected on the ground that he was an alien. He then applied for mandamus, contending that the provision was in violation of the Fourteenth Amendment, in that it denied to him the equal